

1 UNITED STATES DISTRICT COURT  
2  
3 DISTRICT OF NEVADA

4 \* \* \*

5 REGINALD C. HOWARD,

6 Case No.: 2:19-cv-00749-CDS-EJY

7 Plaintiff,

8 v.

9 STEVEN GRIERSON, et al.,

10 Defendants.

11 **ORDER**

12 Pending before the Court is Defendants' Motion for Leave to File Under Seal Submission of  
13 Exhibit B to Defendants' Motion for Summary Judgment. ECF No. 78. Defendants state that  
14 "Exhibit B [is] ... the Declaration of Geraldine Worth, attached to which are the medical records of  
15 Plaintiff." *Id.* at 1.

16 As the party seeking to seal a judicial record, Defendants must meet their burden of  
17 overcoming the strong presumption in favor of access and public policies favoring disclosure.  
18 *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those  
19 who seek to maintain the secrecy of documents attached to dispositive motions must meet the high  
20 threshold of showing that "compelling reasons" support secrecy). The mere fact that the production  
21 of records may lead to a party's embarrassment, incrimination, or exposure to further litigation will  
22 not alone compel the court to seal its records. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d  
23 1122, 1136 (9th Cir. 2003). Importantly, medical privacy also meets the compelling reason standard.  
24 See, e.g., *San Ramon Regional Med. Ctr., Inc. v. Principal Life Ins. Co.*, 2011 WL89931, at \*n. 1  
25 (N.D. Cal. Jan. 10, 2011); *Abbey v. Hawaii Employers Mut. Ins. Co.*, 2010 WL4715793, at \*1-2  
26 (D.HI. Nov. 15, 2010); *G. v. Hawaii*, 2010 WL 267483, at \*1-2 (D. HI. June 25, 2010); *Wilkins v.  
Ahern*, 2010 WL3755654 (N.D. Cal. Sept. 24, 2010); *Lombardi v. Tri West Healthcare Alliance  
Corp.*, 2009 WL 1212170, at \*1 (D. Ariz. May 4, 2009).

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The Court considered the Motion and the documents sought to be sealed. The Court finds Exhibit B to Defendants' Motion for Summary Judgment contain medical records that are properly sealed.

4           Accordingly, IT IS HEREBY ORDERED that Defendants' Motion for Leave to File Under  
5 Seal Submission of Exhibit B to Defendants' Motion for Summary Judgment (ECF No. 78) is  
6 GRANTED.

IT IS FURTHER ORDERED that Exhibit B to Defendants' Motion for Summary Judgment shall remain sealed.

10 DATED this 22nd day of December, 2022.

Elayna J. Youschah  
ELAYNA J. YOUCHAH  
UNITED STATES MAGISTRATE JUDGE